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*Arthur Lee Alfred, II, et al.*

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

ARTHUR LEE ALFRED, II et al.,

Plaintiffs,

vs.

THE WALT DISNEY COMPANY et al.,

Defendants.

Case No. 2:18-cv-08074-CBM-AS

**DECLARATION OF TOVA  
LAITER IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANT THE WALT  
DISNEY COMPANY'S MOTION  
FOR SUMMARY JUDGMENT**

Date: October 19, 2021  
Time: 10:00 a.m.  
Dept: Courtroom 8B  
Judge: Hon. Consuelo Marshall

1                                   **DECLARATION OF TOVA LAITER**

2           I, Tova Laiter, declare:

3           1.     I was the Producer of the entertainment industry project created by  
4 writers Arthur Lee Alfred II (“Alfred”) and Ezequiel Martinez, Jr. (“Martinez”),  
5 originally entitled “Pirates of the Spanish Main”, retitled “Pirates of the Caribbean”  
6 (the “Project”). The facts stated herein are personally known to me and I could and  
7 would testify competently thereto if called upon as a witness under oath.

8           2.     By August 2000, I had been working in the entertainment industry for  
9 about 28 years. A true and correct copy of my resume is attached hereto as **Exhibit**  
10 **E**, which accurately sets forth an overview of my background and experience in the  
11 entertainment industry as a film and TV producer. For example, I have served as Vice  
12 President of Warner Brothers (Head of Story Department); as Senior Vice-President  
13 of Imagine Entertainment, and President of Production at Cinergi Pictures, among  
14 other executive positions in the entertainment industry. The list of films that I  
15 produced or supervised production of, includes GLORY, FAR AND AWAY,  
16 JUDGE DREDD, EVITA, THE SCARLET LETTER, VARSITY BLUES,  
17 KINDERGARTEN COP, NIXON and DIE HARD III. One of my early jobs in the  
18 entertainment industry was as a production assistant on the set of the GODFATHER

19 2. Throughout my career, I have worked with some of the top directors and actors in  
20 the industry, like Ron Howard, Oliver Stone, Ben Stiller, Henry Winkler, Denzel  
21 Washington, Demi Moore, Steve Martin, Anthony Hopkins, and Dan Aykroyd. I  
22 have also been conducting a successful screening and Q&A series for the past 11  
23 years for the New York Film Academy. I have brought on many notable guests, such  
24 as Steven Spielberg and Ted Sarandos, as well as famous actors including Al Pacino,  
25 Jonah Hill, Bryan Cranston, Cedric the Entertainer, Alec Baldwin and Josh Brolin.

26           3.     In or around 1999, I began working with Alfred and Martinez as their  
27 “producer,” which meant (in this context) that I would submit their “projects”  
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1 (usually a screenplay and a “trailer” or “sizzle reel”) to my contacts in the  
2 entertainment industry. These contacts included all the major studios, like Disney,  
3 Paramount, Warner Bros, and Universal. If one of the studios wanted to produce one  
4 of the projects, then I would come onboard as a Producer. As an industry veteran  
5 with an eye for talent, I was immediately impressed with Alfred and Martinez’s  
6 creativity, work ethic, and potential.

7 a) The first project written by Alfred and Martinez that I submitted to Disney  
8 in 1999 was called RED HOOD. RED HOOD was a new spin on the old  
9 fairy tale, Little Red Riding Hood. I was impressed with its innovation and  
10 creativity and knew I could sell it. I pitched it to my contacts in the  
11 entertainment industry at the studios. At that time my main contact at  
12 Disney was Todd Garner. After I submitted it to him on April 16, 1999,  
13 Garner told me he thought it was perfect for the Disney/Buena Vista label,  
14 who then wanted to “option” it. Alfred and Martinez started working with  
15 the Disney/Buena Vista team of Brigham Taylor, Josh Harmon and Michael  
16 Haynes on this project with meetings on the Disney lot in Burbank,  
17 California in approximately October 1999.

18 b. It was apparent to me that Disney really liked Alfred and Martinez’s work.  
19 Disney later copied me on a letter from the three members of the creative  
20 team at Disney: Brigham Taylor, Michael Haynes, and Josh Harmon.  
21 Disney addressed that letter to ICM (an elite talent agency) and wrote: **“We**  
22 **see Red Hood as a period adventure with a contemporary spin that**  
23 **blends the tones of EVER AFTER and SLEEPY HOLLOW with the**  
24 **mythic storytelling of THE LORD OF THE RINGS...This project has**  
25 **huge potential as a fun, thrilling movie in the spirit of our beloved**  
26 **animated Disney fairytale adaptations combined with the suspense and**  
27 **creativity of a live action Disney movie.”** Attached hereto as **Exhibit F** is  
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1 a true and correct copy thereof (emphasis added).

2 4. In or around July 2000, I called and spoke to Brigham Taylor who was a  
3 lead creative executive at Disney/Buena Vista and told him that Alfred and Martinez  
4 wrote a script entitled “Pirates of the Caribbean.” (the “Screenplay”). In response,  
5 Taylor was very interested and requested that I (officially) submit a copy of the  
6 Screenplay to him right away. Taylor mentioned that his team (he, Haynes and  
7 Harmon) had been discussing internally the possibility of doing a film entitled  
8 “Pirates of the Caribbean”, but he did not mention that Disney had a “treatment” (or a  
9 screenplay) at that point. If he had, I would not have submitted the Screenplay to  
10 Disney (at least without first consulting with my entertainment lawyer). I was  
11 unaware that Taylor (or Disney) had any abstract thoughts about a pirate movie  
12 before this conversation. Based on the circumstances, Taylor’s specific request to  
13 review the Screenplay meant that the Screenplay was “solicited”, as that term is  
14 generally understood in the entertainment industry.

15 5. As of August 7, 2000, two versions of the Screenplay (i.e., the original  
16 version entitled “Pirates of the Spanish Main” and the version submitted to Disney  
17 entitled “Pirates of the Caribbean”) had been prepared. The “Pirates of the  
18 Caribbean” Screenplay is attached as **Exhibit B** to Martinez’s declaration.

19 6. On or about August 9, 2000, I had the Screenplay hand-delivered to  
20 Taylor at Disney, with a cover letter. A true and correct copy of that cover letter is  
21 attached hereto as **Exhibit G**. The cover letter bears some explaining:

- 22 a) In the second paragraph of the letter, I state that “It’s a swashbuckling  
23 fun adventure, ‘Goonies’ meets ‘Pirates of the Caribbean.’” This did not  
24 and does not mean that the Screenplay is actually a combination of that  
25 movie and the Ride. This description was merely a common shorthand  
26 practice in the entertainment industry to suggest the general feel of a  
27 new work by relating it to something that the person has probably  
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1 already seen. In fact, Taylor, Harmon and Haynes submission letter to  
2 ICM agency uses similar references regarding the RED HOOD script.  
3 *See Exhibit F.* Similarly, while there are references to the ride in the  
4 Screenplay, they were added by the writers to make it more appealing to  
5 Disney).

6 b) In the third paragraph, I state that “It is also further along than your  
7 development project, so yours can be the sequel!” What I was referring  
8 to in that sentence was the fact that Taylor had told me during our  
9 telephone conversation in July 2000 that he and his team were internally  
10 discussing the concept of a movie entitled, “Pirates of the Caribbean”.  
11 However, to be clear, it was not my understanding that the  
12 “development” of the project was anything more than what that Taylor  
13 mentioned to me: namely, an abstract concept to consider doing a movie  
14 named after the ride. If he had even a treatment (or a screenplay), the  
15 general custom and practice in the entertainment industry was *not* to  
16 request another screenplay on the same general subject, to avoid  
17 potential claims. In this case, however, Taylor appeared to be eager to  
18 read the Screenplay.

19 c) In the P.S., I stated “Please let me know as soon as possible as I have a  
20 draft that does not have the Disney song or the Ride references that I  
21 plan to take to other studios”. What I meant by that statement was that  
22 the Screenplay- full of engaging, great characters, humor, adventure,  
23 action and supernatural elements- could stand on its own. While we  
24 hoped Disney would want to do business with us on the Project and  
25 Disney was our first choice (and by all indications, a perfect fit), we  
26 were more than prepared to go elsewhere if Disney turned out not to be  
27 interested. The Screenplay was not dependent upon the ride.  
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1           7.     In fact, on October 30, 2000, I sent a letter to agent Stuart Fry of  
2 Endeavor wherein I enclosed the Screenplay entitled “Pirates of the Spanish Main”  
3 and explained that I “envisioned” taking it to Nickelodeon, who at the time, made  
4 commercially successful, family movies. A true and correct copy of that letter is  
5 attached hereto as **Exhibit H**.

6           8.     In or about the fall of 2000, I spoke with Taylor by telephone. During  
7 that call, Taylor told me that he and his team (i.e. Harmon and Haynes) are interested  
8 in the Screenplay after reading it and Taylor told us some good news - that he  
9 submitted it to his superior, the high-ranking Disney executive Nina Jacobson  
10 (“Jacobson”). It is customary in the entertainment industry that when a creative  
11 executive gives a script to their superior to read, that means they have given it a  
12 “thumbs up” recommendation. Our hopes were high after hearing that. While it was  
13 customary at the time to receive a positive or negative response to a submission  
14 within two weeks of the submission date, we, (myself, Alfred and Martinez) all  
15 waited for an unusually long period of time to receive an answer. Eventually,  
16 however, Taylor called and told me that Jacobson had passed on the project because  
17 the Screenplay had children in it. I offered to modify the Screenplay by taking out  
18 the children, or to transform them into adults, but Taylor declined.

19           9.     Thereafter, I do not recall the Screenplay being returned to me, even  
20 though it is industry custom and practice to return a “rejected” screenplay to the  
21 person who submitted it immediately after the company or studio passes. In fact, I  
22 was later notified by Martinez that he received an envelope with his Screenplay in it  
23 from Taylor directly in November of 2002.

1 I declare under the penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

3 Executed the 27 of September 2021, in Los Angeles, California.

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7 Tova Laiter  
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# EXHIBIT E



**TOVA LAITER**  
**AVIDA ENTERTAINMENT – PRODUCER**

Movies (produced or in development) include:

**INDUSTRY A-LIST GUEST Q&A SERIES**

**DON'T TELL MOM THE BABY SITTER IS DEAD (reboot)**

**VARSITY BLUES TV series**

**THE MIRROR – HBO. – development**

**STEPWIVES – Bravo – pilot**

**ELVIS HAS LEFT THE BUILDING – Lion's Gate**

**VARSITY BLUES – Paramount/ MTV Films**

**RUN FOR YOUR LIFE – Universal- development**

**COMPULSION- Dimension Films**

**NYFA (see attach page & Link)**

**Tree House production- casting now**

**Paramount Studios- in negotiations**

**Exec Producer: Ben Stiller**

**Exc. Producer- Pilgrim Ent.**

**Stars: Kim Basinger & John Corbett**

**Stars: John Voight / Paul Walker, James V.B**

**Stars: John Travolta**

**Stars: Heather Graham, Carrie-Ann Moss**

**CINERGI PRODUCTIONS – PRESIDENT OF PRODUCTION**  
**1993-1996**

Movies include:

**EVITA with Madonna & Antonio Banderas**

**NIXON with Anthony Hopkins**

**DIE HARD III with Bruce Willis & Sam Jackson**

**JUDGE DREDD with Sylvester Stallone**

**SCARLETT LETTER with Demi Moore & Gary Oldman**

**Director: Alan Parker**

**Director: Oliver Stone**

**Director: John McTiernan**

**Director: Danny Cannon**

**Director: Roland Joffe**

**IMAGINE ENTERTAINMENT – SENIOR VICE PRESIDENT OF PRODUCTION**  
**1990-1993**

Movies include:

**FAR AND AWAY with Tom Cruise & Nicole Kidman**

**KINDERGARTEN COP with Arnold Schwarzenegger**

**FRIDAY NIGHT LIGHTS- with Billy Bob Thornton**

**LORENZO'S OIL with Susan Sarandon & Nick Nolte**

**HOUSESITTER with Goldie Hawn & Steve Martin**

**MY GIRL with Macaulay Culkin & Anna Chlumsky**

**CB-4 with Chris Rock**

**COP AND A HALF with Burt Reynolds**

**Director: Ron Howard**

**Director: Ivan Reitman**

**Director: Peter Berg**

**Director: George Miller**

**Director: Frank Oz**

**Director: Howard Zieff**

**Director: Tamra Davis**

**Director: Henry Winkler**

**FREDDIE FIELDS PRODUCTION – PRESIDENT**  
**1988-1990**

Movies include:

**GLORY with Denzel Washington (Oscar, Golden Globe)**

**Director: Ed Zwick**

**INDEPENDENT PRODUCER**  
**1983-1988**

Movies include:

**MURDER IN MISSISSIPPI, with Tom Hulse, Jennifer Grey, NBC**

**LENA, MY HUNDRED CHILDREN, with Linda Lavin, NBC**

**ONE MORE SATURDAY NIGHT with Al Franken, COLUMBIA**

**FIRE WITH FIRE, Paramount Studios**

**EMMY& DGA winner**

**TV GUIDE- Ten Best list**

**Exec. Producer Dan Aykroyd**

**Actress: Virginia Madsen**

**Prior employment: VP at WARNER BROS studio, in charge of Story Department of 37 employees; Five years as WEST COAST EDITOR for publisher DELL, DIAL/ DEIACORTE and first jobs- GODFATHER 2 and ALL THE PRESIDENT'S MEN at Paramount.**

**EDUCATION**

**B.A. - ART HISTORY & PHILOSOPHY- HEBREW UNIVERSITY, JERUSALEM**

**Industry Guests A-List Q&A series**  
**From Tova Laiter, Curator & Moderator**

I have been both an Executive and Producer in the Entertainment industry for many years: Vice President at WB, Senior Vice-President of Imagine Entertainment; President of Production at Cinergi Pictures and Producer of main studio films and A-List stars..

For the past 11 years I have been conducting a very successful screening and Q&A series for The New York Film Academy at WB studios, NYFA/LA theater and at NYC headquarters at Battery Park.

I have brought **Steven Spielberg, Ron Howard, Bob Towne, Billy Friedkin**, etc for my 70's Classic Series... and for my Industry screening series: executives such as: **Ted Sarandos, Kevin Feige, Alan Horn, Jim Gianopulos, Sherry Lansing** and Talent such as **Nancy Meyer, Darren Star, Jay Roach, Dan Gilroy, Michael Shamberg, Grant Heslov, Stephanie Allain, Joel Silver and Janusz Kaminski** among many others.

Actors included: **Alec Baldwin, Al Pacino, Bryan Cranston, Cedric the entertainer, Seth Rogen, Jonah Hill, Ben Stiller, J.K. Simmons, Beanie Feldstein, Kathleen Turner, Bill Hader, Adam Driver, Elizabeth Olsen Edward James Olmos, Josh Brolin, Beanie Feldstein, Richard Dreyfuss**, etc.

Among the Oscar/Emmy movies we screened during the years: **WANDA VISION, US vs. BILLIE HOLIDAY, MINARI, PARASITE, THE SHAPE OF WATER, FREE SOLO, 12 YEARS A SLAVE, LA LA LAND, THE BIG SHORT, BIRDMAN, WHIPLASH, HACKSAW RIDGE, SULLY, COCO, THE BREADWINNER, MOANA, CAROL, ROOM, WIDOWS, NIGHTCRAWLER, THE HUMBLING, MONUMENT MEN, SAVING MR. BANKS, FLIGHT, HITCHCOCK** and many more.

We have an e-blast of 100,000 for students and alumni, a widely read blog, an association with Final Cut and great social media following. We have schools in NYC, LA, Miami South Beach, Florence and Sydney.

Please look at the short video link below to see some of the esteemed Q&A guests:

<https://vimeo.com/246314209>

password: TOVA

If you are unable to open it. If not, please look at: <https://www.nyfa.edu/tova/>

Tova Laiter

Avida Entertainment/ NYFA Q&A series

0- 323 876 2932

C-323 646 6093

[www.tovalaiter.com](http://www.tovalaiter.com)

<https://www.nyfa.edu/tova/>

NYFA's Sample Q&A Guest Series:

[www.vimeo.com/246314209](https://vimeo.com/246314209) /Password: TOVA

# EXHIBIT F

FEE-05-2002 11:56

WALT DISNEY PICTURES

S195626920 P.01 01



## Buena Vista Motion Pictures Group

February 5, 2002

Philippa Boyens  
c/o Ben Smith  
ICM  
8942 Wilshire Blvd.  
Beverly Hills, CA 90211

RE: RED HOOD

Dear Philippa,

Per our conversation with Ben Smith, enclosed please find a mock movie trailer that suggests what we envision for RED HOOD, a project inspired by "Little Red Riding Hood".

We see RED HOOD as a period adventure with a contemporary spin that blends the tones of EVER AFTER and SLEEPY HOLLOW with the mythic storytelling of THE LORD OF THE RINGS.

Our title character, Red, would be an action heroine that battles the villainous Wolf (a werewolf?), while untangling a romantic triangle that fuels the story. We think it could be interesting to use a version of the fairy tale as a prologue and as a jumping off point for our story.

This project has huge potential as a fun, thrilling movie in the spirit of our beloved animated Disney fairytale adaptations combined with the suspense and creativity of a live-action Disney movie.

We look forward to your thoughts.

Sincerely,

Brigham Taylor

Michael Haynes

Josh Harmon

cc: Tova Laiter

© 2002 Walt Disney Pictures. All Rights Reserved. WALT DISNEY PICTURES PRESENTS A FILM BY MICHAEL HAYNES

WALT DISNEY PICTURES PRESENTS A FILM BY MICHAEL HAYNES

TOTAL P.01

# EXHIBIT G

08-09-00

Brigham Taylor  
Disney Pictures  
500 S. Buena Vista St  
Team Disney 208 A.  
Burbank, Ca 91521

Re: PIRATES OF THE CARIBBEAN by A. Lee Alfred II & Ezequiel Martinez Jr.

Dear Brigham,

Per our conversation, here is a brand new spec screenplay from our writers of 'Red Hood'.

It's a swashbuckling fun adventure, "Goonies" meets "Pirates of the Caribbean". Since the concept works, all it needs is a polish from a pro and then can be put together very quickly.

I feel that our script is more in line with the image and expectations families associate with the Disney ride. It is also further along than your development project, so yours can be the sequel!

Best wishes,

Tova Laiter

P.S. Please let me know as soon as possible as I have a draft that does not have the Disney song or the Ride references that I plan to take to other studios.

# EXHIBIT H

October 30,2000

Stuart Fry  
Endeavor  
9701 Wilshire Blvd  
B.H. Calif. 90212

Dear Stuart,

Enclosed is the script entitled PIRATES OF THE SPANISH MAIN by Lee Alfred and Ezekiel Martinez(RED HOOD at Disney) for Chris Koch consideration.

I envision taking it to Nickelodeon (it needs a rewrite which we can do either before we take it there or after).

Best wishes,

Tova Laiter